

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
APRIL 26, 2001**

PRESENT: Richard Hinsman, Bettye Lawrence, Richard Kollmansberger, Nancy Gerrard and Jerome Nelson

EXCUSED: Harold Lee, James Imhoff, Jr.

STAFF PRESENT: Cletus Hansen, William Black, Legal Counsel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Debbie Conrad, WRA

CALL TO ORDER

The meeting was called to order at 10:40 a. m. by Richard Hinsman, Vice Chair, upon confirmation that the public notice was timely given. A quorum of 4 members was present. Richard Kollmansberger arrived at 10:50 a.m., after the agenda and the minutes were approved.

AGENDA

MOTION: Jerome Nelson moved, seconded by Bettye Lawrence, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (03/22/01)

MOTION: Bettye Lawrence moved, seconded by Jerome Nelson, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Oscar Herrera

Clete Hansen reported that Secretary Herrera was on business in Milwaukee.

Clete Hansen

- **Board Roster**

The Board received a copy of the April 2001 roster. Noted.

- **Meeting Dates for 2001**

The Board received a copy of the meeting dates for 2001. Noted.

- **Screening Statistics**

The Board received a copy of the February 22, 2001, screening statistics. Noted.

- **To-Do List**

Clete Hansen explained that issues that require follow-up are listed on the to-do list and will continue to be included in the agenda packets.

- **To-Pass Folder**

The To-Pass Folder was circulated and duly noted.

LEGISLATION

LRB 2647/1 re: Licensing Requirements for Real Estate Brokers Licensed by Other States

Clete Hansen explained that this bill draft was prepared at the request of the Board and the Department. The drafter had been given 2 alternatives. One alternative was to simply give authority to the Board and the Department to enter into reciprocal agreements with other licensing jurisdictions. The other alternative was to write more specific language relating to licensed brokers in another state who wish to obtain a Wisconsin broker's license. The drafter preferred the alternative contained in this bill draft.

MOTION: Nancy Gerard moved, seconded by Richard Kollmansberger, to approve the bill draft, LRB 2647/1. Motion carried unanimously.

Update re: Bills and Proposals

No additional information was provided to the Board.

ADMINISTRATIVE RULES

Scope Statement re: Supervision of Employees

Clete Hansen explained that the scope statement in the Board's packet is the official scope statement filed by the Department's Office of Administrative Rules. Mr. Hansen said that the Board and the Department may now begin to draft the rules described in the scope statement. He said there is little urgency to complete the drafting right away, because to some extent, the rules will be dependent on a statutory change that the Wisconsin Realtors Association wants to have introduced in the Legislature.

NEW BUSINESS

None.

MISCELLANEOUS CORRESPONDENCE

Tracy Rucka

Clete Hansen explained that a copy of his letter to Ms. Rucka is in the Board meeting packet for the attention of the Board and staff.

Coldwell Banker Vacationland Realty

Clete Hansen explained the reason for the correspondence between Jack Temby, Administrator of the Division of Enforcement, and Terry Turek. Mr. Hansen showed the change that was made to the computer screen. Richard Kollmansberger suggested that it might be more helpful to simply have a cutoff after 10 years and to not show the discipline after that date. The Board informally requested that Bill Black, Legal Counsel, review several laws relating to this issue and to report to the Board at the next meeting.

Employee Relocation Council Coalition re: Referral Fees

Noted.

Publishers of Contractual Forms – WB 37

The Board noted the revised WB-37 form. The Board had approved the last draft at an earlier meeting.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules

Noted.

PUBLIC COMMENT

Debbie Conrad of the WRA said that the WRA is considering whether some type of legislation may be needed to address after-the-fact referral fees.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Charles Howden, a prosecutor in the Division of Enforcement, presented the stipulations relating to Larry F. Buzzell and Cayman Realty, Inc (West Allis, WI) and Anthony Bogdanovich (Saint Germain, WI). The Board discussed these stipulations in Closed Session and voted on them in Open Session.

RECESS TO CLOSED SESSION

MOTION: Bettye Lawrence moved, seconded by Richard Kollmansberger, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a),

(b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the Case Status Report, case closings, stipulations, and proposed stipulations that were presented in Open Session. Motion carried unanimously by a roll call vote: Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Jerome M. Nelson-yes; Nancy Gerrard-yes; and Richard Hinsman-yes. Motion carried unanimously.

Open Session recessed at 11:30 a. m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on stipulations and case closings. Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Nancy Gerrard moved, seconded by Richard Kollmansberger, to adjourn the Closed Session and to reconvene in Open Session at 11:52 a. m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

98 REB 049 P7
00 REB 257 L1 Lack of jurisdiction
97 REB 334 P7
98 REB 011 P7
98 REB 093 P3
00 REB 264 I. E.

STIPULATIONS

Larry F. Buzzell and Cayman Realty, Inc. (West Allis, WI)

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Larry F. Buzzell and Cayman Realty, Inc. Motion carried unanimously.

Anthony J. Bogdanovich (Saint Germain, WI)

MOTION: Nancy Gerrard moved, seconded by Richard Kollmansberger, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Anthony J. Bogdanovich. Motion carried unanimously.

By consensus the meeting adjourned at 11:55 p. m.